

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

RED BARN MOTORS, INC.,)
PLATINUM MOTORS, INC.,)
MATTINGLY AUTO SALES, INC.,)
YOUNG EXECUTIVE MANAGEMENT &)
CONSULTING SERVICES, INC.,)
Individually, and on behalf)
of other members of the)
general public similarly)
situated,)
Plaintiffs,)
-v-) Docket No.
1:14-cv-01589-TWP-DKL
COX ENTERPRISES, INC.,) Class Action
COX AUTOMOTIVE, INC.,)
NEXTGEAR CAPITAL, INC. f/k/a)
DEALER SERVICES CORPORATION,)
successor by merger with)
Manheim Automotive Financial)
Services, Inc., and JOHN WICK,)
Defendants.)

The deposition upon oral examination of **LOURDES M. GIVENS**, a witness produced and sworn before me, Tami L. Scott, Notary Public in and for the County of Marion, State of Indiana, taken on behalf of the Plaintiffs at the offices of Bose, McKinney & Evans, 111 Monument Circle, Suite 2700, Indianapolis, Marion County, Indiana, on October 20, 2016, at 9:00 a.m., pursuant to the Federal Rules of Civil Procedure.

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1 Q Would you have, as account executive, would you
2 typically?

3 A Typically, yes.

4 Q Do you know what the KO book is?

5 A Yes.

6 Q What is that?

7 A That is a -- Auction Insurance Agency is an
8 insurance agency that the auctions use, and they are
9 the ones that manage the KO book.

10 Q And what is the KO book?

11 A Stands for knockout book or knockout, and it's for
12 people that are uninsured by Auction Insurance
13 Agency.

14 Q Did you have any -- do you know whether Mattingly
15 Auto Sales and/or Barry Mattingly was submitted to
16 the KO book?

17 A Kevin Frederick turned in the information to the
18 Auction Insurance Agency on May 15th is what it
19 looks like.

20 Q Okay. Were you part of any decision to turn in
21 information about Mattingly to the KO book?

22 A Corporate does that.

23 Q Okay.

24 A And then Auction Insurance Agency are the ones that
25 place the deal on an uninsured list.